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Held at the Palais des Nations, Geneva,
on Thursday, 11 February 1993, at 10 a.m.

Chairman: Mr. ENNACEUR (Tunisia)

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The meeting was called to order at 10.15 a.m.

SITUATION OF HUMAN RIGHTS IN THE TERRITORY OF THE FORMER YUGOSLAVIA (agenda item 27) (continued) (E/CN.4/1993/84; E/CN.4/1993/86)

1. Mr. MOTTAGHI-NEJAD (Islamic Republic of Iran) said it was appalling that the concepts of "ethnic cleansing" and "genocide", which it had been assumed belonged only to the past, had recently emerged once again in all their horror. The former Yugoslavia had become the scene of atrocities, as was confirmed by the report of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia (E/CN.4/1993/50). His delegation was seriously disturbed to learn that Serbs were raping innocent Muslim women in order to humiliate the Muslims in the context of an ethnic cleansing policy. A systematic campaign was being conducted to exterminate an entire people in Bosnia whose only fault was that they were Muslims.

2. Despite international condemnation and the sanctions imposed on the Serbs, the signals received by the Yugoslav Government could only encourage it in its aggression. The Serbs had quickly learnt that they would not be held in check by an international coalition. It was said that the tragedy could be ended only through negotiations and that any action likely to affect those negotiations must be avoided. That was why the Security Council hesitated to take the necessary measures to stop the bloodshed and had only recently agree to consider the question as a result of pressure from the Islamic countries - and so far without much success. In the circumstances, the Serbs had no reason to change their tactics. They enjoyed absolute military superiority whereas their victims were deprived of the slightest military assistance owing to the unjustifiable embargo imposed upon them. Under cover of the negotiations, the Serbs were continuing their advance in the field, thereby assuring themselves of an optimum bargaining position at the time when their territorial conquests remained and sanctions and condemnations had faded away.

3. Unfortunately the Security Council continued to deny their Bosnian victims the right of self-defence provided for under Article 51 of the United Nations Charter as well as the right to receive assistance of any kind in order to struggle against aggression and oppression. His delegation urged the Security Council to take the necessary measures against Serbia, including the use of force prescribed in Chapter VII of the United Nations Charter, with a view to ensuring full compliance with the resolutions adopted. The arms embargo imposed on Bosnia and Herzegovina must also be lifted.

4. The legitimate rights of the Bosnian Muslims, a peace-loving people who had been savagely attacked, must be restored. Moreover, the results of ethnic cleansing, whatever their nature, must be invalidated and territories must in no circumstances be divided on the basis of ethnic criteria. Bosnia and Herzegovina must be recognized as an independent State. Arrangements for the control of heavy weapons should be applied effectively and an international tribunal established as soon as possible to try perpetrators of war crimes against the Muslims of Bosnia and Herzegovina and any peace plan must have their consent.

5. The international community should take immediate action to alleviate the suffering of Muslims living in besieged towns, and FORPRONU's mandate should be

extended to include the prevention of serious human rights violations which characterized ethnic cleansing. Despite the efforts made by UNHCR to assist refugees, the fate of thousands still remained at stake so that all States and in particular the European countries should open their doors to them until they could return to their homes. Action must be taken as soon as possible to save the Bosnian Muslims, whose lives were in danger.

6. Mr. DEMBINSKI (Poland) said that the crisis that was racking the former Yugoslavia was of an unprecedented nature since it was probably the first time in history that so many United Nations bodies, regional organizations and specially established structures were co-operating in an attempt to put an end to atrocities which were being witnessed by millions of television viewers throughout the world. Despite the efforts and decisions of the Security Council and General Assembly, and notwithstanding the solemn commitments assumed by the parties to the conflict, the policy of ethnic cleansing was continuing and violence remained the daily lot of thousands of persons. Most recently, Mr. Mazowiecki, the Special Rapporteur, as well as Amnesty International and the EEC Mission to Bosnia and Herzegovina had provided evidence that thousands of women were victims of planned and organized rape. His delegation therefore wished to present a number of suggestions concerning that situation.

7. First, the main focus should be on the victims of the conflict and efforts made to put an end to human rights violations in the former Yugoslavia. For that reason, Poland wholeheartedly endorsed the emergency plan proposed by the Special Rapporteur which called for the release, under international control, of all detainees and the closure of places of detention, the lifting of the blockade of cities and regions and the opening of humanitarian relief corridors, as well as the creation of security zones in that country. Implementation of the resolutions adopted by the Commission, the Security Council and the General Assembly should, of course, be ensured. The international community must also do everything in its power to prevent dangerous developments in Kosovo, Sandzak and Macedonia.

8. Secondly, the situation in the former Yugoslavia provided dramatic confirmation that the existence and functioning of a democratic State was a fundamental precondition for the observance of human rights since the collapse of a State destroyed basic human rights protection machinery. Where there was no State or where it was not democratic there was no room for human rights. For that reason, the democratic forces in the region, and particularly in Serbia, should be supported at all costs. As had been stated by the Special Rapporteur, evolution in the direction of democracy in that country was crucial to the entire region and in that connection it was gratifying to note the promising democratic development of Slovenia that was taking place. It went without saying that international protection of human rights could only supplement and not replace national protection. However, in cases where there was no State structure capable of caring for a suffering people, it was the duty of the international community to ensure that basic human rights were respected and protected for as long as may be needed.

9. Thirdly, better co-ordination should be achieved of the activities of all organizations and agencies that were endeavouring to restore peace and respect for human rights in Bosnia and Herzegovina and in the former Yugoslavia in general. The various dimensions of the conflict, namely, its political, military and human rights aspects, could not be dealt with separately. It should not be forgotten that the primary causes of the present conflict

were disregard of the basic values for which the Commission stood, lack of mutual respect between various ethnic, linguistic and religious groups and, lastly, the systematic violation of fundamental human rights by the authorities of a State, by more or less organized groups and by individuals. For that reason, restoration of respect for human rights was the most important prerequisite for putting an end to the conflict in the former Yugoslavia, and the Commission would have a vital role to play in that respect.

10. His delegation considered it was vital to have the perpetrators of human rights violations and war crimes brought before an international tribunal and fully endorsed the work of the Commission of Experts entrusted with the task of investigating violations of international humanitarian law. In conclusion, he emphasized once again the need to implement without delay the emergency plan envisaged by the Special Rapporteur, who had rightly stated that the international community would have no excuse if it failed in its endeavour.

11. Mr. BEBLER (Observer for Slovenia) noted that, for the third time, the Commission on Human Rights was considering the question of grave and massive violations of human rights in Bosnia and Herzegovina as well as in parts of Croatia. Those violations were contrary to the Universal Declaration of Human Rights, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Geneva Convention relative to the protection of Civilian Persons in Time of War, the Convention on the Prevention and Punishment of the Crime of Genocide, as well as other principles of international law. Very little could be added to the many resolutions and condemnations to which those violations had given rise.

12. He commended the Special Rapporteur's courageous and steadfast work, assured him of his delegation's wholehearted co-operation and was satisfied with his conclusion that the human rights situation in Slovenia did not justify further investigation within the terms of his mandate. Slovenia also pledged its full support to the Commission of Experts which would be examining alleged violations of international humanitarian law in parts of the former Yugoslavia. Many refugees, most of whom were Bosnian Muslims, to whom Slovenia had given shelter had been victims or eyewitnesses of despicable acts committed in the name of "ethnic cleansing". Those acts had been perpetrated mostly by the Bosnian Serbs who were supported militarily and financially by the so-called Federal Republic of Yugoslavia. Its representatives would certainly pass off the crimes of which they were accused as a well-orchestrated international media campaign, but it was enough to recall, to give an idea of the honesty of the present Serbian leaders, that two well-known members of the paramilitary militia who had acted with such ruthlessness in Bosnia and Herzegovina and Croatia had just been elected "democratically" to Parliament.

13. Slovenia supported the creation, within the United Nations system, of an independent international tribunal to prosecute all war criminals in the former Yugoslavia, irrespective of their origin. At the very moment the Commission was discussing the issue, human rights violations might be taking place in yet other areas, such as Kosovo, and the situation in those areas would not improve without outside intervention. The value of the discussions taking place in the Commission would depend on the willingness and ability of the international community to put an end to the policy of violence, armed aggression and territorial expansion. The sanctions imposed against the perpetrators should be combined with ample international assistance for the victims. No effort should be spared to ensure the protection of human rights as well as of national,

religious and other minorities in that complex geographical conglomerate called the Balkans. Slovenia for its part would not fail to contribute to such efforts.

14. Mrs. BAUTISTA (Observer for the Philippines) also noted that for the third time in seven months the Commission was considering the question of the unrelenting violence that had engulfed the former Yugoslavia. Yet despite universal condemnation, mass executions and systematic destruction were continuing unabated in the name of the ethnic cleansing policy being pursuaded by the Serbs. The Special Rapporteur had, in his report (E/CN.4/1993/50), catalogued grave and massive violations of human rights and in particular the systematic rape of Bosnian women as a weapon of war. According to recent reports, the Serbs were also apparently depriving an entire people of shelter and leaving them exposed to illness and hunger as part of their ethnic cleansing policy. Her delegation associated itself with all those who had already denounced those human rights violations. The international community, by condemning such atrocities, was undoubtedly salving its conscience, but it should first and foremost think of the victims and ways of helping them in a tangible manner. By reacting to events rather than seeking to shape them, it had been reduced to inaction. Yet the violations committed in the former Yugoslavia might well, if left unchallenged, legitimize the slaughter of minorities and the resort to violence as a means of enforcing territorial changes. Her delegation would support any peace initiative designed to put an end to the hostilities which, so far, had claimed 18,000 lives and displaced 100,000 persons. War, which was the natural ally of violence, could only generate greater and viler violations of human rights.

15. Mr. PAVICEVIC (Observer for Yugoslavia) said that his country was making every effort to bring about an end to the war in Bosnia and Herzegovina and to the tragedy being experienced by its people. The Federal Republic of Yugoslavia fully accepted all the decisions and principles adopted at the London Conference in which it had participated actively, and considered that their consistent implementation was the only way to stop the conflict.

16. It was common knowledge that Yugoslavia was doing everything in its power to find a peaceful settlement to the war in Bosnia and Herzegovina and one that would take into account the interests of Muslims, Croats and Serbs. Although Yugoslavia was not engaged militarily in Bosnia and Herzegovina, its Government had played a very important role in the Geneva talks, particularly at the beginning of the year, by assisting Mr. Vance and Lord Owen to put through their proposals and particularly the Bosnia and Herzegovina constitutional principles.

17. The Yugoslav Government had adopted concrete measures to promote the settlement of the conflict. For example, it had declared its resolute opposition to the use of force as a means of changing borders between countries and had stated clearly that it had no territorial claims on its neighbours, expressing its readiness to engage in direct talks with officials of the republics of the former Yugoslavia with a view to mutual recognition. It had also categorically condemned the practice of ethnic cleansing, established a Ministry of Human and Minority Rights, initiated talks to solve problems relating to Kosovo and Metohija, and accepted the long-term CSCE Mission. Furthermore, it had made a special effort to ensure the delivery of humanitarian aid and had urged that the shelling of Sarajevo should cease and that Sarajevo airport should be reopened, and had placed Belgrade airport at the disposal of

humanitarian missions in order to establish a corridor for humanitarian aid between Belgrade and Sarajevo. Similarly, it had offered co-operation to FORPRONU, organized democratic parliamentary elections at republican and federal levels and accepted the presence of foreign observers. Lastly, it had also accepted the presence of United Nations observers at its airports to witness that no Yugoslav planes violated the airspace of Bosnia and Herzegovina; it was also participating actively in all the efforts being made by the Geneva Conference and its Working Groups. Mr. Cosic, the Yugoslav President, had agreed to the peaceful settlement of outstanding issues between Croatia and Yugoslavia and the restoration of links between the two countries and their respective peoples. The Yugoslav Government had further asked Mr. Tudjman, the President of Croatia, to enter into negotiations with the Serbs living in Croatia with a view to the amicable settlement of their differences, but unfortunately to no avail.

18. For Croatian forces had attacked United Nations Protected Areas and the "pink zones" inhabited by the Serbs, thereby violating all United Nations principles, undermining the Vance plan as well the confidence of the Serbs living in Croatia, who thought that the United Nations was going to protect it against the atrocities of the Croatian regime. Yugoslavia categorically condemned ethnic cleansing regardless by whom it was committed. At the Commission's last special session, it had circulated to members of the Commission documents on the large-scale expulsion of Serbs from Western Slavonia. Yet there had been no reaction and ethnic cleansing was continuing with impunity in Croatian towns. Very soon, Croatia would expel all Serbs and all those who had been classified as "non-Croats". Some 250,000 Serbs had already fled to Yugoslavia from Croatia and the Croatian authorities were pushing ahead with their task. Thousands of Serbs, particularly in Dalmatia, had been forced to change their names in order to avoid harassment, discrimination or persecution. The Serbs who had remained in Croatia had also been obliged to change their names and to renounce their identity and religion in order to survive and save their children. A second wave of ethnic cleansing was at present sweeping across western Herzegovina. At present there were no Serbs left in that territory and the cleansing exercise was now being directed against Muslims. That was one of the root causes of the fighting between Muslims and Croats in the region, and his delegation agreed with Mr. Mazowiecki's conclusions on the subject.

19. The adoption of Security Council resolution 752, 757 and 787 (1992) constituted the most brutal and unprecedented sanctions in the history of the United Nations which had no legal basis in international law. Collective punishment was a crime and could not be a means of attaining just aims. The Commission, by endorsing that attitude, was therefore responsible for a crime against an entire people. The sanctions had affected all segments of the Yugoslav population and in particular the million refugees and many displaced persons who were being cared for by the Yugoslav authorities, which had received no assistance from the international community. The sanctions were also having a disastrous impact on the living standards and health of Yugoslavs as well as in the economic, scientific, cultural, sports and other areas. A major part of the population was living in unbearable conditions and the sanctions were hampering the transition process, the development of democracy and the rule of law, and were contrary to all the basic principles proclaimed in the Paris Charter for the new Europe.

20. International public opinion had been kept both informed and systematically misinformed during the war in Bosnia and Herzegovina. For

example, it had been informed in great detail of the tragic fate of Croatian and Muslim refugees whereas the tragedy being experienced by hundreds of thousands of Serbian refugees had been ignored. Moreover, the Serbian nation, which had given refuge to one million refugees and displaced persons, had been accused of pursuing a systematic policy of ethnic cleansing. References to thousands of Croatian and Muslim refugees in Yugoslavia were always accompanied by charges that they lived in concentration camps. Yet the existence of those camps had been established neither by CSCE's special missions nor by the High Commissioner for Refugees, nor yet by ICRC or other missions. His delegation emphasized that the CSCE "Thompson mission" had been unable to confirm the truth of those accusations and had proved that Mr. Mazowiecki's allegations concerning the destruction of mosques and the purge of Muslims in Sandzak were untrue. The propaganda campaign against the Federal Republic of Yugoslavia was intended to make an entire nation the symbol of evil and was having a far-reaching impact not only on relations within the State but also between the Serbian nation and other countries. What was of particular concern was that the international community had not reacted when it was irrefutably established that some of the accusations against the Serbs were untrue, as was the case of the bread queue massacre in Sarajevo, which was now acknowledged as having been organized by Muslims. Yet it was precisely that massacre which had led the Security Council to impose sanctions on the Federal Republic of Yugoslavia. Similarly, no reference had ever been made in the reports of United Nations or European Community bodies of documents attesting to the mass rape of Serbian women. In that connection his Government strongly condemned all those, regardless of which side they were on, who had engaged in rape and considered that they should be punished severely.

21. Moreover, an attempt was now being made, through a new propaganda campaign, to convince public opinion that the Serbs were preparing to commit aggression against Kosovo. Kosovo was an integral part of the territory of the State of the Federal Republic of Yugoslavia and a war could break out there only as a result of armed terrorist action by Albanian separatists or foreign aggression directed against the territorial integrity of Serbia, and therefore, that of the Federal Republic of Yugoslavia. Such propaganda had the effect of undermining the efforts being made to bring the war in Bosnia and Herzegovina to an end. It proved that the developing countries were right in insisting on a new international information order and on a balanced exchange of information and more adequate access to mass media. The Yugoslav conflict had made it absolutely clear that media monopolies could destroy States, create wars, incite hatred and racism and transform victims into culprits.

22. In the final analysis, the only people who had been denied their right to self-determination in the former Yugoslavia were the Serbs. They had previously lived in one State, namely the Federal Republic of Yugoslavia, and had found themselves split up against their will outside their homeland. At the same time, the Federal Republic of Yugoslavia and Serbia in particular had been deprived of the possibility of defending their legitimate interests and the welfare of the Serbian people. The suffering being experienced by the latter was in point of fact much greater and tragic than that suggested in the Special Rapporteur's report. The Government of the Federal Republic of Yugoslavia had consistently advocated a peaceful solution to the conflict in the territory of the former Yugoslavia based on respect for the rights and equality of the three peoples comprising Bosnia and Herzegovina and confirmed its commitment to the cause of human rights.

23. Mrs. BAROUDI (Observer for Mocrocco) was of the view that the international community should continue its efforts to put an end to the war in Bosnia and Herzegovina, to protect the inhabitants of that country against savage attacks by groups of Serbs, supported by the so-called Federal army, and to guarantee the political independence of Bosnia and Herzegovina.

24. With their ethnic cleansing policy, the Serbs had added yet another horror to the long list of those with which history was studded. What was happening was that a people who had wished to exercise its right to self-determination in the context of its cultural values, convictions and history, was being persecuted owing to its ethnic origin and religious beliefs in flagrant violation of international norms. In that respect it was clear that the Serbs wanted not only to liquidate an ethnic group but also eliminate a religious community. Consequently, all Muslims inevitably felt themselves personally aggressed by that state of affairs.

25. The victims of that war were mainly innocent civilians, and those who survived the massacres taking place were harassed, tortured or arbitrarily imprisoned in flagrant violation of the Fourth Geneva Convention. Moreover, Morocco wished to express its profound revulsion at the rape of Muslims and considered that persons who committed war crimes of that nature must be punished.

26. She emphasized the vital role played by the United Nations Security Council, which had adopted large number of resolutions in order to protect peace and security in the region by imposing economic sanctions and an embargo on the sale of arms to the rival factions. Strenuous efforts had also been made by the International Conference on the former Yugoslavia to achieve a political solution. At the present time the international community was focusing on the peace plan under which a constitutional solution, a readjustment of the map of the region and its disarmament were proposed.

27. The Organization of the Islamic Conference, for its part, had at the meeting of its Ministers of Foreign Affairs at Jeddah, urged the Security Council to adopt immediate measures against Serbia and even the use of military force to ensure compliance with its decisions. It had also asked that Bosnia and Herzegovina should be excluded from the embargo imposed by the Security Council so that it could receive weapons to defend itself. Morocco considered that it was vital to adopt deterrent measures in order to force the Serbian leaders to put an end to the flagrant violations they were committing.

28. Mr. BISLEY (Observer for New Zealand) said that New Zealand wished to associate itself with other States in expressing horror and concern at the flagrant violations of human rights - murders, ethnic cleansing, detention and rape - being committed in the territory of the former Yugoslavia. Civilian communities were being terrorised as a means of forcing entire populations to flee; persecution, violence and the rape of women and girls had become systematised. In the circumstances, what was at stake was the credibility of the international community, and it could be preserved only if effective steps were taken to put an end to those atrocities and ensure that war criminals were apprehended and punished.

29. The Special Rapporteur's report revealed that the situation was deteriorating, and he had clearly identified the nature of the human rights violations that were being committed in Yugoslavia. His delegation would study his report carefully and particularly the recommendations it contained, most of which repeated those made in previous reports. It fully endorsed the Security Council's decision to establish a Commission of Experts to investigate violations of human rights in the territory of the former Yugoslavia and firmly supported the principle that all those guilty of grave breaches of international humanitarian law and crimes against humanity should be held liable for their acts. New Zealand hoped that the relevant bodies would examine the matter as soon as possible and suggest a mechanism that would enable the international community to prosecute war criminals. New Zealand, which was convinced that the problems of the former Yugoslavia could be solved only after the armed conflict had been brought to an end, firmly supported the Geneva peace process and called upon all parties involved to co-operate in achieving an agreement that would open up the way to a just and lasting peace.

30. Mr. HEBIBASI (Observer for Albania) said that the conflict in Bosnia and Herzegovina revealed complete contempt for the most elementary human rights as well as for the commitments assumed in the context of the search for a peaceful solution. The criminal acts perpetrated by Serbian armed forces in Bosnia and Herzegovina were of unimaginable cruelty and recalled the darkest moments of Europe's history. In the circumstances, the ability of the United Nations to resolve conflicts was at stake.

31. His delegation was concerned about the fate of the 3 million ethnic Albanians living within the former Yugoslavia, of whom 2 million lived in Kosovo. The human rights situation in that area had deteriorated steadily as a result of increasing repression by Serbian military and paramilitary forces of the indigenous Albanian population. Indeed, the inhabitants of Kosovo, 90 per cent of whom were ethnic Albanians, had for many years been experiencing repression and terror and the Albanians of Kosovo were the only people in Europe to be the victims of general repression and discrimination resembling apartheid. The political, civil, economic, social and cultural rights of the Kosovo Albanians were constantly being violated; they were excluded from government institutions and bodies, large numbers were dismissed because of their ethnic origin or for political reasons, radio and television broadcasts as well as several Albanian newspapers had been suspended, and Albanian students were obliged to continue their education at home because Albanian universities and schools had been closed down. Moreover, the Kosovo Albanians were victims of an ethnic cleansing policy - their homes being requisitioned and they themselves being expelled to make way for a large number of refugees, namely, Serbian and Montenegrin settlers.

32. Despite their endless patience, the situation was at present explosive. That was why his delegation urged the Commission to take effective action on Kosovo in order to support the efforts already being made on the spot by CSCE and the European Community, to ensure that the state of seige was lifted as soon as possible and that the Serbian military and paramilitary forces withdrew from the region, and to guarantee respect for human rights and the right of the Kosovo Albanians to self-determination.

33. Mr. AL-FARSY (Observer for Oman) observed that the conflict in the former Yugoslavia had broken out after the Republic of Bosnia and Herzegovina had received international recognition and that the Bosnian people had decided not

to participate in a confederate union with Serbia. The international community, through the United Nations, the European Community and the Organization of the Islamic Conference had spared no effort to get the Serbs to put an end to their ethnic cleansing policy. Yet all their efforts had been in vain and the situation in the Balkans was deteriorating steadily. It was estimated that there were 3 million displaced persons in the former Yugoslavia, of whom 2 million were in Bosnia and Herzegovina; moreover according to an investigation carried out by the European Community, over 20,000 Bosnian women had been deliberately raped by the Serbs. His delegation, which had taken an active part in the Commission's two special sessions on the former Yugoslavia, urged all parties to respect resolutions 1992/S-1/1 and 1992/S-2/1, adopted on 14 August and 1 December 1992 respectively. It drew attention to the decisions adopted at the sixth special session of the meeting of Ministers of Foreign Affairs of the countries members of the Organization of the Islamic Conference and by the Bureau of the Sixth Islamic Summit calling upon the international community to display firmness with respect to the Serbs and to protect the rights of Muslims and the other inhabitants of Bosnia and Herzegovina.

34. Mr. TARZI (Organization of the Islamic Conference) said that his organization had been shocked and horrified by the suffering inflicted on the inhabitants of Bosnia and Herzegovina which, until the previous year, had been a model of tolerance and a peaceful co-existence between various ethnic groups. It deplored the fact that ethnic cleansing was being intensified and that the destruction of hospitals and places of worship was taking place throughout the country. The Serbian authorities, with their military superiority, were stopping at nothing and resorting to the dynamiting of inhabited houses, summary executions, the rape of Muslim women, etc. in their efforts to confront the international community with a fait accompli. More than two-thirds of the territory of Bosnia and Herzegovina were now occupied by the Serbian aggressor and thousands of Bosnians had been forced to take the road to exile.

35. The situation in Bosnia and Herzegovina had, of course, been on the agenda of all meetings of the Organization of the Islamic Conference held in 1992, namely, the two extraordinary sessions of the Islamic Conference of Foreign Ministers held respectively in Istanbul (Turkey) on 17 and 18 June 1992 and in Jeddah (Saudi Arabia) on 1 and 2 December 1992, as well as the Organization of the Islamic Conference Annual Co-ordination Meeting of the Ministers of Foreign Affairs held in September 1992 in New York. The member states of the Organization had expressed support for the Government and people of Bosnia and Herzegovina in their legitimate struggle against Serbian aggression.

36. On 11 January 1993, the Bureau of the Sixth Islamic Summit, enlarged to include the Chairman of the standing committees of the Organization, had met in Dakar (Senegal) and strongly condemned the continuing Serbian aggression against the Republic of Bosnia and Herzegovina and the genocidal campaign of ethnic cleansing being waged against Muslims. It had expressed concern at the new map presented during the Geneva talks since, in its view, it should be redrawn without taking into consideration the de facto situation created on the ground as a result of ethnic cleansing. It had also condemned Serbia's refusal to place its heavy weaponry under international control and supported the Bosnian Government's position on the establishment of effective international control of heavy weapons in Bosnia and Herzegovina, as agreed at the London Conference. In view of the continuing intransigence of the Serbian aggressor, the Bureau had called for the enforcement of the no-fly zone over Bosnia and Herzegovina. It had further stressed the need for the perpetrators of crimes against humanity to

be tried and had called for the immediate establishment of an international tribunal with competence to try war crimes committed in the territory of the former Yugoslavia.

37. It had also mandated the Chairman of the Sixth Islamic Summit Conference to establish contact with States members of the Security Council, the United Nations Secretary-General, the Chairman of the European Community and the Chairman of the Conference on Security and Co-operation in Europe with a view to ensuring the implementation of Security Council resolutions as well as the resolution adopted at the sixth extraordinary session of the Islamic Conference of Foreign Ministers by authorizing, if necessary, action under Article 42 of the United Nations Charter and exempting the Government of Bosnia and Herzegovina from the arms embargo.

38. The Organization of the Islamic Conference was also concerned by the rapid deterioration of the situation in Kosovo, Sandzak, Vojvodina and Macedonia. It was absolutely vital that the international community should take effective steps to prevent the conflict from spreading and enveloping the entire region. In conclusion, he expressed the hope that, after refusing to lift the arms embargo imposed on the Bosnians and opposing military intervention to put an end to Serbian aggression, the Security Council would not impose on Muslims in Bosnia and Herzegovina a plan that favoured their aggressor to their disadvantage.

39. Mr. ALDREES (Observer for Saudi Arabia) noted that, as a result of the Second World War, the international community had become even more aware of the importance of the human rights that it had embodied in various international instruments, and that Europe had made special efforts to protect them throughout the world. However, serious human rights violations had been committed with impunity in a European country during the past few months. The ethnic cleansing policy, the shelling of hospitals and places of worship, expulsions and innumerable atrocities recalled the darkest hours of nazism and fascism, both of which were ideologies connected with the concept of ethnic superiority. The Serbs had created a new crime by holding Muslim women and girls in camps to rape them. Those abominable crimes were being committed on a large scale in a European country without the Community or, for that matter, any European State doing anything to prevent them.

40. He was worried by the plan proposed by Mr. Vance and Lord Owen since, in its present form, it rewarded the aggressor by granting it territories acquired by force as a result of an ethnic cleansing policy that was contrary to the principles embodied in the United Nations Charter and because it failed to state the need to prosecute war criminals. Moreover, the plan appeared to exclude any idea of co-existence between peoples of different ethnic origins and religions. It should therefore be modified. His delegation, which supported efforts to restore peace, could not accept the unjust and one-sided demands of the Serbs while the embargo imposed on the countries of the former Yugoslavia left an armed aggressor country facing a country that was the victim of aggression and deprived of means of defence. The sixth extra ordinary session of the meeting of Ministers of Foreign Affairs of the countries members of the Organization of *the Islamic Conference*, held on 1 and 2 December 1992, had adopted a resolution calling on the Security Council to take account of Serbian aggressio and not to submit Bosnia and Herzegovina to the arms embargo. It had further expressed the hope that the international community would assume its moral and humanitarian responsibility and condemn Serbia's policy in Kosovo.

41. Mr. SOUALEM (Observer for Algeria) said that Mr. Mazowiecki, in his oral statement, had confirmed the deliberate and planned nature of the systematic and general violations being committed against the people of Bosnia and Herzegovina. The ethnic cleansing policy was accompanied by measures and acts that were inhuman, degrading and reprehensible from the criminal and moral point of view - the rape of women being a chilling example. The Bosnian population, and in particular its Muslim element, was being harassed without respite. The determination with which crimes were being perpetrated revealed the basic motivation of their authors, namely, the extermination of the Bosnian people by the desecration of their places of worship, obliteration of their cultural identity and the seizure of their territory by force. Violations of fundamental human rights and the integrity of Bosnia and Herzegovina, a Member of the United Nations, should be condemned and those responsible prosecuted individually for having conceived, authorized and encouraged genocide.

42. In Algeria's view, the cessation of hostilities, the lifting of the seige of Sarajevo, the placing of heavy weapons under international control and the return in honour of displaced persons and refugees were prerequisites for a settlement that guaranteed the unity and integrity of Bosnia and Herzegovina and did not ratify a fait accompli situation. The international community was standing by powerless, watching the tragedy that was taking place. Could the Commission on Human Rights not recommend that the force of law should replace the law of force?

43. Mr. AHMAD (World Muslim Congress) noted that Mr. Vance and Lord Owen had submitted to the Security Council a plan to divide the territory of Bosnia and Herzegovina into 10 "semi-autonomous provinces". Each of the three communities, namely, the Muslims, the Croats and the Serbs, would be in a majority in three of those provinces. The tenth province, around and including the capital Sarajevo, would be ethnically mixed. The Security Council had also been informed that enforcement of the plan would require additional armed forces; the figure of 25,000 had been mentioned. The enforcement of an air exclusion zone over Bosnia was also recommended, and it was therefore clear that a strong United Nations presence would be required indefinitely under the plan.

44. Apart from the fact that it would be difficult to implement, the proposed plan was unacceptable because it was based on ethnic criteria and recognised the territorial "acquisitions" of the Serbian and Croatian extremists who were trying to carve up the Republic of Bosnia and Herzegovina. The argument advanced in favour of the plan was that, despite its imperfections, it was the only one available. Yet that argument was without merit, for the very principle underlying it was bad since it rewarded those parties to the conflict who had been guilty of crimes against humanity. The Bosnian Muslims had always wanted a multi-ethnic, secular, democratic and united Bosnia. The Serbian nationalists were committing the worst atrocities in the name of long-invalid past grievances and deliberate misreadings of their history, and the ethnic cleansing policy posed a direct threat to the very concept of human rights. The report of the Commission's Special Rapporteur as well as the findings of a European Community team of investigators confirmed the rape and mass execution of Muslims. Civilians were ill-treated, humiliated and were suffering from hunger and cold in some 135 concentration camps. A large number of Muslim women were still being detained for the sexual satisfaction of the Serbs and to make them bear Serbian children. That suggested that the province of Kosovo - 10 per cent of whose population consisted of armed Serbs and 90 per cent of disarmed persons who were denied their elementary economic, political and cultural rights - might well be the next target of the ethnic cleansing policy.

45. He suggested that the Vance-Owen plan should be improved to make it acceptable to all parties including the Bosnian Muslims, that the parties might perhaps be invited to envisage a United Nations trusteeship system, that immediate action should be taken to liberate the inmates of concentration camps, that a list of war crimes and crimes against humanity in Bosnia and Herzegovina should be compiled as well as a list of criminals who should be brought to justice, that the arms embargo should be lifted immediately to enable the Bosnians to defend their territory and, lastly, that the Commission should embark upon the long-term task of creating jurisprudence for international courts that would prosecute the serious human rights violations which were being committed in the former Yugoslavia.

46. Mrs. RISHMAWI (International Commission of Jurists) said that Mr. Mazowiecki's most recent report on the situation of human rights in the former Yugoslavia (E/CN.4/1993/50) described, at a time of unparalleled opportunity for international peace and co-operation, a war based on ethnic hatred, a war in which the basic rights of human beings and in particular the right to life were being violated in order to achieve the ethnical homogeneity of a country. It could not be emphasized too strongly that most of the acts described in the report constituted grave breaches of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War and resembled the practices that had been classified as war crimes by the Nuremberg Tribunal and were also included among the list of crimes against peace and security of mankind defined in the draft international criminal code.

47. The International Commission of Jurists (ICJ) had for many years been urging the establishment of suitable international, regional and national judicial machinery to protect individuals against flagrant violations of their rights. It believed that the creation of an international criminal court to try violaters of human rights would be an important step in that direction and regretted that the International Law Commission's discussion of the subject, which had lasted for several years, had not yet produced any practical results. As recognised by the Special Rapporteur in his previous report of 28 August 1992 (E/CN.4/1992/S-1/9), those responsible for such acts must be prosecuted; that would, moreover, be in accordance with article 6 of the Charter of the Nuremberg Tribunal. Although it welcomed the establishment, under Security Council resolution 780 (1992), of an impartial panel of experts to investigate violations of international humanitarian law and human rights in the former Yugoslavia, ICJ considered that the experience of that ad hoc panel should be merely a first step in the establishment of an international criminal court to prosecute the perpetrators of violations since an ad hoc tTribunal, while relevant in the case of the former Yugoslavia, failed to meet global demands for international judicial machinery. For international law must be respected and protected throughout the world, and not only in a given region or in special circumstances. For that reason, ICJ once again called for the establishment of an independent and permanent international criminal court as an organ of the United Nations, either by means of an amendment to the Charter or on the basis of a separate instrument; its statute could be an integral part of the draft code of crimes against the peace and security of mankind or incorporated in a protocol annexed to the latter. The establishment of a court of that nature was admittedly a difficult task which would require much determined work on the part of all States, but the present situation in the former Yugoslavia proved that it was necessary. The time had come for the international community to demonstrate its determination to protect well-established principles of international law and to set up a permanent international criminal court to prosecute those responsible for violations of human rights, not only in the former Yugoslavia but throughout the world.

48. Mr. MADEY (Observer for Croatia), speaking in exercise of the right of reply, noted that the repeated condemnation during the past few days of Serbia for its policy in Croatia, and particularly in Bosnia and Herzegovina, had apparently not moved the representatives of that country who continued to make false accusations against other countries and the international media. For example, the representative of the Federal Republic of Yugoslavia had directed completely unfounded allegations against Croatia. After accepting all the decisions adopted at the London Conference, the Federal Republic of Yugoslavia had clearly demonstrated during the Geneva negotiations and on the ground in Bosnia and Herzegovina that in point of fact it had absolutely no intention of applying them. Whereas the Presidents of Croatia and Serbia had, in principle, decided to normalize relations between their two countries, the Serbian authorities in Croatia had in point of fact blocked all attempts to settle the problems confronted by Croatia, as well as the application of the Vance plan. Nothing would make the Croats believe that the Federal Republic of Yugoslavia had no control and no influence over the Serbs of Croatia and Bosnia and Herzegovina. Their insistence in claiming their right to self-determination, which Mr. Cosic himself had moreover reaffirmed, clearly indicated that neither the self-proclaimed leaders of the rebels in the Serbian community living in United Nations Protected Areas in the territory of the Republic of Croatia, nor the Federal Republic of Yugoslavia nor yet Serbia had changed their basic policy objectives. They had no intention of recognizing the Republic of Croatia within its present boundaries as had been done by the United Nations and almost one hundred countries. Those so-called authorities had never been sincere in stating that they were prepared to implement the Vance plan, to recognise Croatia's legal authority or to facilitate the restoration of communications infrastructures that were so vital to Croatia. On the contrary, they had continued to sow terror and, with the help of paramilitary forces from Serbia, to expel the remaining Croatian population from United Nations Protected Areas, thereby completing their ethnic cleansing. It was hypocritical, to say the least, that a country which the international community had unanimously condemned for such practices should accuse Croatia of expelling 330,000 Serbs. The truth was that a huge number of Serbs had left Western Slavonia and Croatia, some at the orders of the aggressor and others because they had participated actively in military operations against Croatia and yet others who had fled the barbaric acts taking place in Croatia.

49. His delegation categorically rejected the allegations made by another Serbian representative, speaking under cover of a non-governmental organization, that the Croatian army had attacked the "Serbian Republic of Krajina", in other words, the Serbian territories under United Nations protection. Nothing was further from the truth since no such republic existed, no such republic had been recognized and that therefore the representative must have been referring to the territory of the Republic of Croatia. Nevertheless, his Government was still in favour of the resumption, in the framework of the International Conference on the former Yugoslavia, of negotiations on special status for areas that had had Serbian majorities before the war, as well as other issues concerning the minority and human rights policy of the Republic of Croatia. But would the Serbs accept that proposal? A peaceful settlement of the conflict in the former Yugoslavia was certainly possible, but everything depended on the course followed by the Serbs.

VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA: REPORT OF THE AD HOC WORKING GROUP OF EXPERTS (agenda item 5) (E/CN.4/1993/14; E/CN.4/1992/8; A/47/670);

ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF THE POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN TO THE RACIST AND COLONIALIST REGIME OF SOUTH AFRICA (agenda item 6) (E/CN.4/Sub.2/1992/12 and Add.1);

IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID (agenda item 15) (E/CN.4/1993/52 and Add.1 to 7); (E/CN.4/1993/53 and 54);

IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (agenda item 16) (E/CN.4/1993/55 and 56; E/CN.4/Sub.2/1992/11; A/47/432);

50. Mrs. SAMOYA (Chairperson/Rapporteur of the Group of Three established under the International Convention on the Suppression and Punishment of the Crime of Apartheid), introducing the report of the Group of Three (E/CN.4/1993/54) under agenda item 15, recalled that her Group had been set up under article IX of the International Convention on the Suppression and Punishment of the Crime of Apartheid, and that its members were the representatives of Burundi, the Russian Federation and Venezuela. At its fifteenth meeting, held at Geneva from 25 to 29 January 1993, the Group had examined the reports submitted by States parties in accordance with article VII of the Convention. For that purpose, it had had before it a note by the Secretary-General (E/CN.4/1993/52) on the implementation of the Convention and the submission of reports submitted by States parties, the reports submitted by Algeria, Colombia, Mexico, Senegal, Tunisia, the Union of Soviet Socialist Republics and Venezuela, as well as its own report on its fourteenth meeting. Consideration of the USSR report had been deferred at the request of the Russian Federation, which had indicated its intention to submit a new report. The Group had considered each report in the presence of the representatives of the States parties concerned and had thanked the latter for the large amount of information (most of it supplementary) they had provided. It had noted that the reports had been prepared in the light of the general guidelines concerning their form and substance. Several questions, namely, the views of States parties on the changes that had taken place in South Africa since the Commission's forty-seventh session, the role of transnational corporations in the complete dismantling of the system of apartheid, the incorporation of provisions relating to the struggle against racial discrimination in national legislation and the importance of education and training as a means of informing peoples of the consequences of apartheid and ensuring the full implementation of the Convention, had given rise to fruitful exchanges of views between the representatives of States parties and members of the Group. Pursuant to the Commission's request contained in resolution 1991/10, the Group had continued to consider the activities of transnational corporations operating in South Africa - a point that was covered by paragraphs 29 to 34 of the Group's report. She then read out the conclusions and recommendations of the Group of Three contained in paragraphs 35 to 49 of its report.

51. Mr. LARSEN (Observer for Denmark), speaking on behalf of the European Community and its member States on agenda item 16, reaffirmed the vehement opposition of members of the Community to all forms of racism and racial

discrimination, as stated in very clear terms in the Declaration on Racism and Xenophobia adopted at Maastricht in December 1991. The legal order of the international community, as embodied in the United Nations Charter, was based not only on the sovereign equality of every nation, large or small, but also on the equality and dignity of every human being. The task of combating racism and racial discrimination had always been a priority for the United Nations and the consensus on the subject had resulted in the preparation of various international legal instruments on the subject and in particular the Convention on the Elimination of all Forms of Racial Discrimination, adopted in 1965. The European Community and its member States regretted that, owing to financial constraints and deficient reporting by States parties, the Committee on the Elimination of Racial Discrimination which was responsible for monitoring the implementation of the Convention had not been as effective as it might have been. The Community had supported the amendments to the Convention adopted by States parties and endorsed by the General Assembly at its previous session aimed at funding the Committee from the regular United Nations budget. It hoped that the functioning of the Committee would be improved thereby and urged all States parties to meet their financial obligations. It also took the present opportunity to call upon all those countries that had not yet submitted their initial reports or the required follow-up reports to do so.

52. Racism was undoubtedly a global phenomenon, and its most obvious manifestations were apartheid in South Africa and "ethnic cleansing" in the former republics of Yugoslavia. Other countries were also been torn apart by ethnically-inspired armed conflicts. In Iraq, for example, the regime of Saddam Hussein had inflicted terrible suffering on the Kurds and Shiites, while in Burma the Rohingyas had fled to neighbouring Bangladesh after persecution by the Burmese authorities. Racial discrimination occurred in some countries not as a result of government policy but because of social tensions which, in certain parts of Europe, had produced racism and xenophobia. It was the duty of all Governments to prevent such conflicts and the member States of the Community were committed to doing all they could to that end. They condemned all acts constituting incitement to discrimination, hostility or violence and were continuing to take the necessary steps to put an end to such acts and punish the guilty parties.

53. Despite the work done in the framework of the Second Decade to Combat Racism and Racial Discrimination, racism was not dead and the United Nations should therefore pursue its task. The Community and its member States therefore supported the launching of a Third Decade whose objectives should be pragmatic and which should focus on the problem of racism and xenophobia throughout the world. They hoped that, at the Commission's present session, constructive proposals would be made concerning the formulation of a plan of action for that Third Decade. The appointment of a special rapporteur on contemporary forms of racism, racial discrimination, xenophobia and intolerance could also constitute a constructive measure in enhancing United Nations work in that area. The special rapporteur's mandate should not be limited geographically so as to emphasize the fact that racism and xenophobia were global scourges. Moreover, the special rapporteur should exchange views with the various mechanisms and bodies entrusted with the task of combating racism, racial discrimination, xenophobia or intolerance, and in particular with the Committee on the Elimination of Racial Discrimination with a view to enhancing even further their effectiveness and mutual co-operation. The Community and its member States intended to participate actively in discussions of that important subject and were considering the possibility of submitting a draft resolution on the matter.

The meeting rose at 1 p.m.